HIGH COURT OF UTTARANCHAL AT NAINITAL
Criminal Misc. Application No. 65 of 2003

1. Amar Nath Kashyap
   S/o late Shri Munna Lal
   R/o H.No. 3/593
   Mandirwali Gali, Khanslampura
   P.S. Janakpuri, Shaharanpur
   District Saharanpur, U.P.
2. Sunil Dutta S/o Shri Amarnath Kashyap
   R/o H.No. 589 Model Colony Awas Vikas
   P.S. Jawalapur
   District Haridwar
3. Rajesh Kumar
   S/o Shri Amarnath Ksashypa
   R/o H.No. 3/593 lampura
   P.S. Janakpuri, Saharanpur
   District Saharanpur, U.P. .....Applicants

Versus

1. Smt. Anju W/o Rajesh Kumar
   D/o Brahama Nand
2. Brahama Nand
   S/o late Shri Ram Dhan
3. A.C.J.M., Haridwar
   State of Uttaranchal .....Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Rajendra Singh learned counsel for the applicants and Sri Parikshit Saini learned counsel for the respondent no. 1 & 2.

This is a petition under section 482 Cr.P.C. with the prayer to quash the chargesheet No.253 of case crime No.347/2001 in criminal case No.505/2002 and to set aside the order dated 27.5.2002 passed by the learned A.C.J.M., Haridwar.

It has been alleged in the petition that the marriage was solemnized between the applicant no.3-Rajesh Kumar and the respondent No.1-Smt. Anju without any dowry according to the Hindu customs. Thereafter, the respondent No.2-Smt. Anju filed a case No.347/2001 under sections 498A, 323, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Jawalapur, District

Haridwar. The chargesheet was filed against the applicants and thereafter the cognizance was taken by the Magistrate concerned. Feeling aggrieved by the order of cognizance, the applicants have come up before this Court.

During the course of hearing of the petition, the applicant no.3-Rajesh Kumar and the respondent No.1-Smt. Anju have filed the Affidavits stating therein that they have amicably settled their disputes and they have also entered into a compromise. The copy of the compromise has been filed alongwith the affidavits. The compromise was reduced into writing and the same is annexure-1 to the Affidavits. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been by the Hon'ble Supreme Court in **B.S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

> "12. *The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
>
> *13. The observations made by this Court, though in a slightly different context, in* ***G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693*** *are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little*

matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

Considering the above facts and the principles laid down by the Apex Court, the charge-sheet mentioned above and the proceedings in criminal case no. 505/2002 are hereby quashed. The petition is allowed accordingly.

(J.C.S. Rawat, J.)

Dated 08.06.2005

LSR